

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN, E88100,

Plaintiff,

v.

RACHAEL NEWCOMB, et al.,

Defendant(s).

Case No. [20-cv-09402-CRB](#) (PR)


ORDER OF DISMISSAL

On February 19, 2021, the court denied plaintiff's application to proceed in forma pauperis (IFP) in connection with this pro se prisoner action alleging various wrongdoing by various state defendants in connection with proceedings related to his 1991 conviction and death sentence from Kern County Superior Court because plaintiff: (1) has had three or more prior prisoner actions dismissed by a federal court on the grounds that they are frivolous, malicious or fail to state a claim upon which relief may be granted, and (2) is not seeking relief from a danger of serious physical injury which was imminent at the time of filing. Feb. 19, 2021 Order (ECF No. 4) at 1-2 (applying 28 U.S.C. § 1915(g)). But under the law of the circuit, the court afforded plaintiff 28 days to show cause why § 1915(g) does not bar IFP status for him or pay the requisite \$ 402.00 filing fee. The court made clear that failure to show cause or pay the requisite \$ 402.00 filing fee within the designated time would result in the dismissal of this action without prejudice to bringing it in a new paid complaint. Id. at 2.

More than 28 days have passed since the court's February 19, 2021 order and plaintiff has not shown cause, paid the requisite filing fee or sought an extension of time to do so. This action accordingly is DISMISSED without prejudice to bringing in a new paid complaint. The clerk shall close the file.

IT IS SO ORDERED.

Dated: March 26, 2021



CHARLES R. BREYER
United States District Judge